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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,440	09/06/2000	Katsuaki Tajima	48864-030	9740

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McDermott Will & Emery  
600 13th Street NW  
Washington, DC 20005-3096

EXAMINER
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PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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09/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/656,440

Applicant(s)

TAJIMA ET AL.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-6, 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

- This action is responsive to the following communication: RCE filed on 7/18/07.
- Claims 1, 5-6, 11-13 are currently pending; claims 2-4, 7-10 have been canceled.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/07 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-6, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 5828780), and in view of Ito et al (U.S. 5884120), and further in view of Miller et al (US 5627995)

Regarding claim 1, Suzuki discloses an image processing apparatus (image processing device 107, fig. 1) for processing image data of a job to be given to an output device (output device 102, fig. 1), the image processing apparatus comprising:

- a decision controller (image processing apparatus includes virtual device "VD" within an image processing device, figs. 5-7, col. 7, lines 3-8) for determining for each page of print job whether or not image data on said each page are data within a color reproduction range (determining whether or not the image data of each region is within the color reproduction range of output device 102, S808, fig. 8, col. 3, lines 13-16, col. 8, lines 52-62, col. 9, lines 33-37) of

the output device and deciding parameters (parameters, col. 1, lines 5-10, col. 2, lines 38-42, and col. 3, lines 45-56) to be used for color correction (color correction of inputted image data using parameters, col. 1, lines 5-10, col. 2, lines 38-42, and col. 3, lines 45-56) on a job basis; and

- a color compressing controller (image processing apparatus includes compression controller, col. 16, lines 3-7) for compressing image data (linear color compression for compressing image data that is not within the color reproduction range to an allowable value (range) of an output device 102, S812, fig. 8, figs. 13 and 21, col. 3, lines 20-37 and col. 6, lines 60-67) using the decided parameters (fig. 21) so as to supply the processed data to the output device (col. 8, lines 39-61 and col. 13, lines 15-27).

However, Suzuki fails to teach an image processing apparatus having a memory for memorizing all of the plural pages of the job and wherein image data as taught by Suzuki comprising plurality of pages.

Ito, in the same field of endeavor for image processing, teaches an image processing apparatus (image data processing/controller, fig. 3a & 3b) having a memory (image memory 17, fig. 4, col. 4, lines 35-52) for memorizing all of the plural pages (image memory 17 for storing image data of documents, wherein each document comprising plural of pages, col. 4, lines 63-67 and col. 6, lines 35-40) of the job and that it is well known in the art that an image data comprising plurality of pages (an image data comprising plurality of pages, col. 7, lines 30-35). In other words, Suzuki explicitly teaches an apparatus and method for processing image data (i.e. document as shown in fig. 10) *in general*, but fails to explicitly state that image data (i.e. document) comprising plurality of pages. It is well known in the art that image data (i.e. also refers to as document) contains plurality of 1-N pages (e.g. document of four pages, ten pages, and etc) as taught by Ito (col. 6, lines 35-40). Image memory 17 as taught by Ito also stores plurality of documents, wherein each document comprising plurality of pages. Number of pages and/or documents can be stored in image memory 17 depends on its storage capacity (e.g. 100MB and etc.).

The combinations of Suzuki and Ito fail to teach and/or suggest compressing uniformly of plural of pages using the same parameters.

Miller, in the same field of endeavor, teaches a well-known example of a controller for compressing uniformly of plural of pages using the same parameters (col. 23, lines 23-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify image processing apparatus of Suzuki to process image data with plurality of pages as per teachings of Ito because of the following reason: (●) to prevent the entire color image from losing the color attractiveness due to effect by data of a few pixel data outside the color reproduction range (Suzuki, col. 2, lines 44-52); (●) to allow an image processing device of Suzuki to process print job with multiple pages. In addition, it would have been obvious to determine whether all pages of an image data (e.g. print job) is within a reproduction range or not, and to perform color compression accordingly to all pages of image data (e.g. print job) to ensure all print data are outputted within a color reproduction range of an output device.

Therefore, it would have been obvious to combine Suzuki and Ito with Miller to obtain the invention as specified in claim 1.

Regarding claim 5, Ito further teaches the image processing device apparatus according to claim 1, wherein the output device is a printer for printing an image in accordance with the image data (copy machine as shown in fig. 1 includes a print engine for output image data onto a recording medium) and wherein the image processing apparatus is built in the printer (image data processing unit is incorporated within a copy machine as shown in fig. 3, col. 1, lines 38-58).

Regarding claim 6, Ito further teaches the image processing apparatus according to claim 1, wherein the image data are generated by an image reader (copy machine as shown in fig. 1 includes a reader for reading original images to be copied), and the image processing apparatus is built in the image reader (CPU 102 is incorporated within an copy machine, fig. 3a).

Regarding claim 11, Suzuki further teaches the image processing apparatus according to claim 1, wherein the decision controller performs the deciding for each section of the standard color space for the parameters (col. 8, lines 39-61 and col. 13, lines 15-27) to be used for color correction, and the compressing controller performs a color compression (linear color compression for compressing image data that is not within the color reproduction range to an allowable value (range) of an output device 102, S812, fig. 8, figs. 13 and 21, col. 3, lines 20-37 and col. 6, lines 60-67) uniformly for each section of standard color space.

Regarding claim 12: Claim 12 is a method corresponding to the apparatus and it recites limitations that are similar and in the same scope of invention as to claim 1; therefore, claim 12 is rejected for the same rejection rationale/basis as described in claim 1 above.

Regarding claim 13, Suzuki further teaches the image processing method according to claim 12, wherein the deciding step (col. 8, lines 39-61 and col. 13, lines 15-27) is performed for each section of standard color space, and the compressing step (linear color compression for compressing image data that is not within the color reproduction range to an allowable value (range) of an output device 102, S812, fig. 8, figs. 13 and 21, col. 3, lines 20-37 and col. 6, lines 60-67) performs the color compression uniformly for each section of standard color space.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 & 12 have been considered but are moot in view of the new ground(s) of rejection due to newly added features/limitations.

### ***Conclusion***

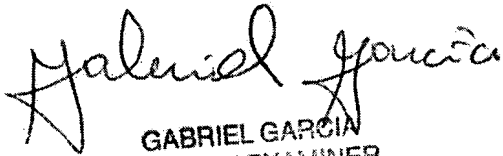
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

  
GABRIEL GARCIA  
PRIMARY EXAMINER